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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,825	07/07/2004	Harald Hofmann	183PUS	8491

27799 7590 10/09/2007  
COHEN, PONTANI, LIEBERMAN & PAVANE  
551 FIFTH AVENUE  
SUITE 1210  
NEW YORK, NY 10176

EXAMINER
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GRAMLING, SEAN P

ART UNIT	PAPER NUMBER
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2875

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/500,825

**Applicant(s)**

HOFMANN ET AL.

**Examiner**

Sean P. Gramling

**Art Unit**

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/04 + 5/05</u>   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. **Claims 14, 16 and 22** are objected to because of the following informalities:

Applicant recites "the lamp element (15, 15') of the second type". There is insufficient antecedent basis for this element. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-5, 8, 15 and 23-24** are rejected under 35 U.S.C. 102(b) as being anticipated by *Madadi et al* (US 5,688,042).
4. Regarding claim 1, *Madadi* discloses a lamp comprising at least one base 20 for connection to a luminaire-side lamp fitting and at least one LED element 26 characterized that two or more LED elements are provided which are arranged spaced apart from the base and are combined to form one module 12 (see Figure 1, and column 3, lines 12-32).
5. Regarding claim 2, the module 12 is prefabricated in the form of a separate element which is to be fixed to the base 20 of the lamp (see Figure 7).

6. Regarding claim 3, two or more LED elements 26 are at least partially combined to form an essentially row-like arrangement, in particular to form a linear arrangement (see Figures 1 and 7).
7. Regarding claim 4, the linear arrangement is aligned essentially along a longitudinal axis of the lamp (see Figure 1).
8. Regarding claim 5, the LED elements 26 along the module 12 can be switched on or off (see column 4, lines 57-60).
9. Regarding claim 8, a bulb element 10 is provided which at least partially envelops the module 12 (see Figure 1 and column 3, lines 12-17).
10. Regarding claim 15, the bulb element 10 is in the form of a diffuser (see column 3, lines 23-25).
11. Regarding claim 23, the lamp is essentially symmetrical with respect to a central plane of the lamp (see Figure 1).
12. Regarding claim 24, the module 12 is arranged centrally on the base (see Figures 1 and 7).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 6-7 and 25-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Madadi* as applied to claim 1 above.

15. Regarding claim 6, *Madadi* does not specify that the module 12 be essentially light-permeable. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a light-permeable module in order to allow the light generated by LED elements 26 to permeate in all directions.

16. Regarding claim 7, *Madadi* does not specify that the module 12 be essentially reflective or light-scattering. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a reflective module in order to maximize the overall output of light generated by LED elements 26.

17. Regarding claims 25 and 26, *Madadi* does not specify the placement of two modules 12 within lamp. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the modules 12 within the lamp in order to increase the illumination of the lamp, and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

18. Regarding claim 27, *Madadi* provides for the arrangement of the LED elements 26 on three sides of the module rather than one side. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the LED elements 26 in the manner claimed, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

19. **Claims 9-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Madadi* as applied to claim 8 above, and further in view of *Chan* (US 2003/0021117).

20. Regarding claims 9-14, *Madadi* discloses a bulb element 10 made of glass that contains diffusers (see column 3, lines 23-25), rather than a plastic bulb element with diffusers made of fluorescent material. However, *Chan* teaches a plastic bulb element 5 with diffusers made of fluorescent material 1 that would convert UV light components emitted from LED elements 2 into visible light (see Figure 2 and paragraphs [0023] and [0034]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the bulb element 10 in *Madadi* with a plastic bulb element with fluorescent diffusers as taught by *Chan* in order to achieve color blending and a uniform refraction of light through the bulb element in all directions for environmental lighting (see *Chan*, paragraph [0013]). In regards to claims 11 and 12, *Chan* does not specify that the bulb element 5 be formed through plastic-injection molding and does not specify that the fluorescent diffusers 1 be either admixed to the bulb or part of the plastic. However, the method of forming the bulb element is not germane to the issue of patentability of the lamp itself and therefore has not been given patentable weight.

21. **Claims 16-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Madadi* and *Chan* as applied to claim 8 above, and further in view of *Patent-Treuhand-Gesellschaft* (hereinafter *Treuhand*, DE 200 07 134)).

22. Regarding claims 16-22, *Madadi* does not disclose a second lamp element enclosed within the bulb element wherein the lamp is of the type of a compact

Art Unit: 2875

fluorescent lamp or a high-pressure discharge lamp with a fluorescent layer and wherein radiation from the LED elements 26 particularly hits the lamp and multiple reflections take place. However, *Treuhand* discloses a second high-pressure discharge lamp 6 with a fluorescent layer wherein radiation from LED elements 10 particularly hits the fluorescent layer of the lamp 6 and wherein multiple reflections take place between the lamp and the LED elements (see Figures 1 and 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a fluorescent lamp within the bulb element 10 of *Madadi* as taught by *Treuhand* in order increase the overall intensity of the lamp device and to mix the radiation from the fluorescent lamp with the radiation from LED elements 26 to achieve variable color and color temperature.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Gramling whose telephone number is (571) 272-9082. The examiner can normally be reached on MONDAY-FRIDAY 7:30 AM-5:00 PM.

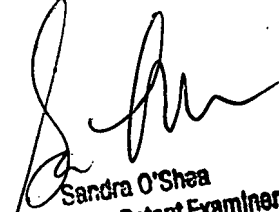
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.P.G.

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Sean P Gramling  
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